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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/162,645	09/28/1998	VESPUCCI B. TRAINI JR.	2392-981478	9084

7590 08/27/2003

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EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/27/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/162,645

Applicant(s)

TRAINI, VESPUCCI B.

Examiner

Thai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-25 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-25 and 27-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed June 09, 2003 have been fully considered but they are not persuasive.

In re page 4-5, applicant argues, with respect to claim 18, that the Saito still camera does not have an equivalent to the claimed "audio source" in claim 18 and claims 19-20 depend from claim 18 and are believed allowable for substantially the same reasons as described above with respect to claim 18.

In response, the examiner respectfully disagrees. Saito discloses in col. 5, lines 37-51 that "The detector 506 responds to a sensor output indicative of an audio recording demand ... whereupon it sends a read enable signal Sc6 to the memory 206. In response to this read-enable signal Sc6, the stored audio data is transmitted to the audio recording circuit 404". From the above passage, the claimed "audio source" is anticipated by memory 206 of Saito because memory 206 of Saito generates audio signal.

2. Applicant's arguments with respect to amended claims 21-25 and 28-31, which added "a **prerecorded** audio signal from the build-in audio source" in claim 21 and claim 29, have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Objections*

3. Claims 21-25 and 28 are objected to because of the following informalities: what is the difference between "a build-in audio source" recited in claim 21, line 2 and "an audio source" recited in claim 21, line 5. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 18-20 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito ('010) as set forth in paragraph #4 of the last Office Action.

Regarding claim 18, Saito discloses a video recording device (Fig. 2), comprising:

a built-in audio source (memory 206 of Fig. 1, col. 5, lines 37-51);

a video recorder (a disk drive unit 300 and a recording controller 400 of Fig. 1, col. 4, lines 41-51) having a record button (a video recording control button 604 of Fig. 2, col. 6, lines 4-25 or a shutter release button 16 of Fig. 2, col. 5, line 52 to col. 6, line 3);

a video camera (an image pickup-up system 100 of Fig. 1, col. 4, lines 24-33) in electronic communication with said record button and a video recording head (col. 4, lines 41-54 and col. 5, line 52 to col. 6, line 25);

a microphone (a microphone 202 of Fig. 1, col. 4, lines 33-40) in electronic communication with said recording button and an audio recording head (col. 4, lines 4-54 and col. 5, line 52 to col. 6, line 25); and

an audio activation switch (gates 512 and 516 of Fig. 1, col. 5, line 37 to col. 6, line 3) in electronic communication with said record button and said audio source.

Regarding claim 19, Saito also discloses the claimed wherein said audio source is in electronic communication with said microphone (col. 4, lines 24-40).

Regarding claim 20, Saito further discloses the claimed wherein said audio source is in direct electronic communication with said audio recording head (col. 4, lines 41-54).

Regarding claim 27, Saito discloses wherein said audio source is selected from a radio, a cassette tape device, a compact disc device, and a digital audio device (memory 206 of Fig. 1, col. 5, lines 37-51).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 21-25 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito ('010) in view of Takahashi et al ('814).

Regarding claim 21, Saito discloses all the features of the instant invention as discussed in claim 18 above except for providing the newly added limitation that a prerecorded audio signal is stored in the build-in audio source.

Takahashi et al teaches a camcorder having a digital title memory 34 for storing therein a plurality of titles and a digital voice memory 16 in which voice or audio data associated with the titles are stored so that a predetermined title and a voice associated

therewith on a recording medium are recorded on a recording medium when an object is shot (col. 2, line 58 to col. 3, line 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the digital title memory 34 of Takahashi et al into Saito's camera in order to increase the flexibility of the system of Saito by allowing user to record title and audio data associated with the title along with the video signal.

Regarding claim 22, Takahashi et al teaches the claimed an audio power button in electronic communication with said audio source to energize and de-energize said audio source (title selection disclosed from col. 2, line 58 to col. 3, line 6 of Takahashi et al to energize and de-energize said audio source).

Regarding claim 23, Takahashi et al teaches the claimed an audio activation switch (title selection disclosed from col. 2, line 58 to col. 3, line 6) in electronic communication with said record button and said audio source.

Regarding claim 24, Takahashi et al teaches the claimed a recorder microphone in electronic communication with said audio source and said audio recording head (col. 3, lines 43-50).

Regarding claim 25, Takahashi et al teaches the claimed wherein said audio assembly includes an audio power button in electronic communication with said audio source and an audio activation switch in electronic communication with said audio source (title selection disclosed from col. 2, line 58 to col. 3, line 6).

Regarding claim 28, Takahashi et al teaches the claimed wherein said audio source is selected from a radio, a cassette tape device, a compact disc device, and a digital audio device (col. 3, lines 43-50).

Claim 29 is rejected for the same reasons as discussed in claim 21 above.

Regarding claim 30, Takahashi et al teaches the claimed wherein when both the microphone and the audio activation switch are activated, a combined audio signal from the microphone and the audio source is transmitted to the audio recording head (title selection disclosed from col. 2, line 58 to col. 3, line 6 and col. 3, lines 43-50).

Regarding claim 31, Takahashi et al teaches the claimed wherein when both the microphone and audio activation switch are activated, activation of the record button causes a combined audio signal from the microphone and the audio source to be transmitted to the audio recording head (title selection disclosed from col. 2, line 58 to col. 3, line 6 and col. 3, lines 43-50).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

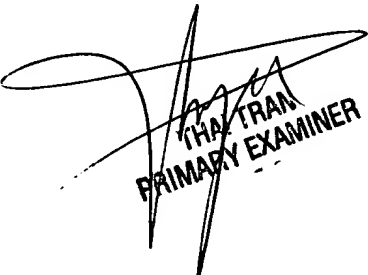
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725.

The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TTQ  
August 25, 2003



THAI TRAN  
PRIMARY EXAMINER